

BUCHANAN'S FORLORN HOPE

Counsel Say Juror Paradise Was Crazy and Ask for a New Trial.

MR. NICOLL REPLIES TO THEIR ARGUMENTS AND AFFIDAVITS.

Proved that Paradise Was in Louisville When Statements Were Alleged to Have Been Made by Him in New York—The Recorder Promises to Announce His Decision Next Week—Buchanan Chats Cheerfully in Court.

Dr. Robert W. Buchanan, convicted several weeks ago of poisoning his wife, was brought down from the Tombs to the Court of General Sessions, yesterday, to be present while Recorder Smith heard arguments by counsel on a motion to grant the convicted man a new trial. Buchanan was cheerful, almost happy; he chatted with reporters and court officers on almost every subject but his own case. Regarding that, he was dumb.

Lawyer Charles W. Brooke began at 11:30 by moving for an arrest of judgment, because the indictment was defective, and because of the incompetency of Juror Paradise, whose mental condition was such, the lawyer said, he could neither deliberate properly nor concur righteously in a verdict. He read the statement of Dr. W. H. Stewart, who attended Juror Paradise at the Astor House the night he was taken ill, while the jury was at dinner, reciting Paradise's incoherent exclamation, "I did not poison the woman." The doctor said that at that time Mr. Paradise was not rational.

The action of the Recorder in admitting the verdict of the jury, after examining Dr. Stewart as to Paradise's condition, was declared by Mr. Brooke to be wrong, and the Recorder said he would consider that point.

Mr. Brooke then started to read the affidavit exceptions he had noted during the trial. Recorder Smith stopped him when he had reached No. 41. Then the lawyer read affidavits from employees of the Astor House to show that the members of the jury were scattered and practically unguarded during the excitement following Mr. Paradise's collapse. Night Watchman Barrett swore that one juror had told him that a verdict was agreed upon while Paradise lay sick.

This was followed by an affidavit from Juror Thomas E. Francaville, stating that during the trial Mr. Paradise had told him that he was excited, irritable and impatient; that he had told Mr. Francaville he should hold him personally responsible for any injury to his health, and should sue the Recorder and the county for loss of sleep.

An affidavit by John H. Welsh, a jeweler at Warren and Greenwich streets, stated that a man who said he was Juror Paradise told him in his store, May 3, that Dr. Buchanan had been convicted on circumstantial evidence. Welsh quoted the man as saying: "I was sick. I didn't agree with them. I voted to acquit. I have made affidavit to that effect and Buchanan will get a new trial. I have lost my situation. I worked for Tiffany. I told the District Attorney and the Recorder about it, but they told me to say nothing."

Dr. Allen Melrose Hamilton, Charles L. Dana, Lander Carter Gray, William Greene Hammond and others made affidavits that, judging from Dr. Stewart's statement, Paradise was suffering from epilepsy the night the verdict was rendered.

District Attorney Nicoll, in reply to Mr. Brooke, contended that on the day the verdict was rendered, Mr. Paradise was sane and that he had never had symptoms of epilepsy. Letters from Paradise to his employer and to his wife were offered, showing that he was in Louisville on the date mentioned by Welsh.

Affidavits by Dr. Charles F. Macdonald, Dr. Allen Starr, Dr. Schuchman and Dr. Pittchard were read by the District Attorney, stating that from Dr. Stewart's statement, Paradise suffered simply from exhaustion and hysteria on the night of the verdict. The affidavits by other jurors were submitted, declaring that Mr. Paradise had voted for conviction three hours before his fainting spell.

Mr. Brooke asked for time to file a brief and the Recorder gave him until Saturday to do so. Buchanan, who had sat unnoticed during the proceedings, was then led back to the Tombs. The Recorder said that he would announce his decision some day next week.

TORTURED BY VITRIOL

W. J. Elliott, the Lifer, Fearfully Burned by a Fellow Convict.

COLUMBUS, O., June 13.—William J. Elliott, who is serving a life sentence for the murder of two men in this city on Feb. 13, 1881, was fearfully burned this morning by vitriol thrown in his face by John Varney, a convict from Cincinnati. Varney is a cutter in the state tailor-shop, and he claims that Elliott had him removed by reporting falsely that he sold a coat to a guard.

When Elliott left his cell this morning to go to breakfast, as usual, alone by way of the chapel and two department, passing between them through a narrow hallway, he was being followed by a guard. Elliott, who had been lying in wait, struck him with a bottle of vitriol, cutting a gash on his forehead, through his cap, three inches long and knocking him down. Then, while Elliott was throwing several ounces of vitriol in his face.

Elliott's screams were heard 150 yards away above the cell. The guard, realizing his brother at work in his proper place, put away his rifle to the spot and, seeing a man of water dashed his contents on the burns. The scorching coat of the right eye is burned out, and the left eye is badly injured, while the right side of his face and head is horribly burned. Two men were required to haul him to his cell.

Elliott said that he could be carried to the hospital, but he would not go. He said that he would be two days before he could take the full extent of the injuries.

Varney is a seventy-year-old man and Elliott is a twenty-year-old man, having assisted his brother to kill A. C. Osborn in a melee growing out of personal quarrels, for which Osborn and Elliott, the latter especially, were noted.

E. M. FIELD'S CONDITION.

His Victims Preparing to Push the Charges as Soon as He Is Released.

BUFFALO, N. Y., June 12.—As a result of last week's statement that Edwin M. Field, the New York bank wrecker, has shown marked improvement under the treatment of Supt. J. H. Andrews at the Buffalo Hospital, some of the New York men who were losers by Field's operations have been making preparations to push their criminal charges against him as soon as he shall be released.

Dr. Andrews, who was in Chicago when the reports of Field's improvement came, has urged special privileges because public, but got back again, and a reporter asked him about Mr. Field last night. He said:

"So far as criminal charges against Field are concerned, I have no official cognizance of them. He was sent here by the State, and his responsibility in the matter is simply that he shall have the best care and treatment we are able to give to cure him of the trouble for which he was sent here."

He is in the same position as any other patient so far as we are concerned and will be released whenever I am given orders to release him by the court that sent him here. Whenever the Judge calls for a report on his condition I shall furnish it promptly. If he remains in a fit condition to be released, then he will doubtless desire to go to his home over the care of the court again."

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1.25 per week on 100 2.50 per week on 250
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